



# WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

## APPROVED MINUTES | August 9, 2018

|                         |  |  |  |
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| <b>Meeting Title</b>    | WV Broadband Enhancement Council Meeting |  |  |
| <b>Chairperson</b>      | Robert Hinton                            |  |  |
| <b>Date</b>             | 8.9.2018                                 | <b>Location</b>  | WV Capitol Complex<br>Bldg. 3, Suite 800 Conference Room |
| <b>Time</b>             | 10:00 am                                 |  |  |
| <b>Audio Connection</b> | 304.957.6999<br>Conf. ID: 935-9172#      | P = Present; TC = Teleconference; VC = Videoconference; _ = Absent |  |

|    | <b>Council Member</b>                      | <b>Representing</b>                                     |   | <b>Council Member</b>           | <b>Representing</b>                                |
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| P  | Robert Hinton,<br>Chairman                 | Rural Business User<br>Congressional Dist. 2            | - | W. Clayton Burch                | WV Dept. of Commerce,<br>Interim Cabinet Secretary |
| P  | Robert Morris,<br>Vice Chairman            | Urban Residential User                                  | P | Jeff Proctor                    | Representing W. Clayton Burch                      |
| -  | Michael L. Holstine<br>Secretary-Treasurer | Rural Business User<br>Congressional Dist. 3            | - | Dr. Steven L. Paine             | Dept. of Education,<br>State Superintendent        |
| P  | Ric Cavender                               | Urban Business User                                     | P | Brenda Morris                   | Representing Dr. Steven L. Paine                   |
| -  | Robert Cole                                | Rural Residential User<br>Congressional Dist. 1         | P | The Honorable<br>Robert Plymale | WV Senate (D)<br>(Ex-Officio/Advisory Member)      |
| TC | John Dunlap                                | Office of Technology,<br>Chief Technology Officer       | - | The Honorable<br>Craig Blair    | WV Senate (R)<br>(Ex-Officio/Advisory Member)      |
| P  | R.A. "Pete" Hobbs                          | Rural Residential User<br>Congressional Dist. 3         | - | The Honorable<br>Roger Hanshaw  | WV House (R)<br>(Ex-Officio/Advisory Member)       |
| -  | John Reasbeck                              | Rural Business User<br>Congressional Dist. 1            | - | The Honorable<br>Kenneth Hicks  | WV House (D)<br>(Ex-Officio/Advisory Member)       |
| -  | Matt Turner                                | Higher Education Policy<br>Comm., Exec. Vice Chancellor | - | Vacant                          | Business User Large Amounts of<br>Broadband        |
| TC | Dr. Mary Stewart                           | Representing<br>Matt Turner                             | - | Vacant                          | Rural Residential User<br>Congressional Dist. 2    |
|    | <b>Representative</b>                      | <b>Agency</b>   |   | <b>Representative</b>           | <b>Agency</b>                                      |
| -  | Mark Debruyne                              | WVOT Infrastructure Manager,<br>CTO Proxy               | P | Kelli Talbott                   | WV Attorney General's Office<br>Legal Counsel      |
| -  | Mitch Blake                                | Director, WV Geological and<br>Economic Survey          | P | Wes White                       | WV Development Office<br>Legal Counsel             |
| P  | Tony O'Leary                               | WV Development Office<br>Project Manager                | P | Kelly Workman                   | WV Development Office<br>Development Manager       |
| P  | Tony Simental                              | WV GES, Office of GIS<br>Coordination                   | P | Peter Markhum                   | Bowles-Rice  |

| <b>Agenda Item</b>   | <b>Details/Minutes</b>   |
|--|--|
| 1. Call to Order, Opening Remarks and Roll Call                          | Chair Hinton called meeting to order at 10:06 a.m.   |
| 2. Approval of 6/14/2018 Council Meeting Minutes and Financial Statement | Member Jeff Proctor motioned to approve June 14, 2018 minutes and Member Robert Morris second. Motion passed unanimously. Member Ric Cavender motioned to approve financial statement and Member Pete Hobbs second. Motion passed unanimously. |

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| <p>3. Introduction of Tilson Technology via Phone</p> | <p>Mr. Jay Ford and Mr. Nicolas Bournakel of Tilson Technology were introduced and presented, by teleconference, company background and some initiatives they will undertake for the Council.</p> <p>Mr. Ford said Tilson Technoloy is a national full-service telecom company with over 20 offices and 400 employees nationwide. The company does telecom work including permitting engineering, construction of wireline and wireless systems and consulting in support of broadband issues.</p> <p>Mr. Bournakel said he is a consultant and an attorney and will be researching Right of Way fee structures of contiguous states and those that are demographically similar to West Virginia and intends to present at the September meeting a report of his research.</p>   |
| <p>4. U.S. Census Bureau</p>                          | <p>Ms. Roxanne Wallace, an Area Manager for 2020 Decennial Census based in the Philadelphia, gave a presentation on the importance of broadband connectivity in West Virginia with regards to the next census. Ms. Wallace said the 2020 census will be predominately an automated process and there will be a concentrated focus on having citizens participate through a secured website, a first-ever initiative for the census. Ms. Wallace said participation promotion will be done through social media and websites to encourage participation in the 2020 census as well as traditional means like newspaper and television. Ms. Wallace said the broadband connectivity will be crucial for collecting census information as well as the recruiting and training of the many workers needed to conduct the census and any promotion and assistance from the Broadband Council will be beneficial.</p> <p>Ms. Janet Spry, Partnership Specialist with the U.S. Census Bureau in Putnam County, reviewed the ongoing outreach efforts to many public and private community organizations to promote the census in their local communities</p> <p>Mr. Stephen Shope, Regional Technician with the U.S. Census Bureau, noted the importance of the why participation in the census in vital, noting how census information determines congressional representation and grant funding for schools, highways and public infrastructure projects.</p> |
| <p>5. USDA-Rural Development</p>                      | <p>Mr. Kris Warner, State Director of the U.S. Department of Agriculture office, presented information on USDA programs designed to assist in the development and implementation of broadband connectivity. Mr. Warner reviewed several USDA broadband programs including the Community Connect Program, Distance Learning and Telemedicine Grants, and Rural Broadband Access Loan and Loan Guarantees. In the last 10 years, the USDA Rural Development has invested \$35 million to build enhanced connectivity in the state's rural areas.</p> <p>Mr. Warner also noted the e-Connectivity Pilot Program training workshop to be held August 21 in Fairmont, sponsored in partnership with the Council.</p>  |

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| <p>6. Commerce Communications</p>      | <p>Jordan Ferrell with Commerce Communications presented an awareness campaign plan for Council to review that run from September through December. Ms. Farrell said the goal is to give the public a better understanding of the Council mission and purpose as well as increase participation in the Council’s speed test participation. Commerce Communications will oversee the campaign with assistance from Council staff.</p> <p>Ms. Ferrell said the three primary messages are that the Council: is a reputable organization; is advancing broadband through grant and development assistance for communities; is promoting its speed test participation as vital data gathering to advance broadband. The primary objectives to do this will be to increase public engagement through social media; traditional media outlets and bloggers; and secure municipal and county associations speaking engagements.</p> <p>Member Proctor suggested this campaign could with the consultants hired for the CDBG broadband recipients who are also charged with public outreach. Mr. Jason Roberts, executive director of the Region I PDC offered the RPDCs and their outreach channels as an avenue to promote the Council as well.</p> <p>Mr. Morris made a motion to approve four-moth plan as presented, with the plan encompassing the entire state and approve up to \$10,000 as the project budget but would request a refined number in September if Commerce Communication’s plan exceeded that dollar figure. Mr. Proctor second. Motion passed unanimously.</p> <p>In a separate matter, costs were discussed for the design and printing of a professional-looking annual report. Council staff would be responsible for the content while Commerce Communications would be responsible for the production.</p> <p>Member R. Morris motioned that Communications present a more-exact budget at the September meeting before deciding on approval. Pete Hobbs second the motion which passed unanimously.</p> |
| <p>7. ROW Policy/Status of Permits</p> | <p>Chair Hinton referred to the Council’s Infrastructure Committee Meeting held July 26 to review potential changes to ROW policies and rules from the state DOH. Public comments from ISP representatives gathered at this meeting indicated the uncertainty of existing and future permits and ability to pursue/complete broadband infrastructure projects affected by potential change.</p> <p>Chair Hinton said the Council supports up opening ROWs to non-rate regulated companies and making less restrictive than in past for ISPs to advance broadband development per the intent of SB 445. Senator Plymale said the legislative intent of SB 445 was not to make it costly for providers to access DOH ROWs.</p> <p>Chair Hinton added the Council has executed a review of ROW policies in surrounding and like states in cooperation with Tilson Technology for research purposes and to advise the legislature of what other states are levying and how West Virginia compares.</p>   |

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| 8. CAF II Reverse Auction   | Chair Hinton noted that five WV-based service providers participated in the Federal Communications Commission’s Connect America Fund Phase II reverse auction. They are: Frontier; Altice; Citynet, HardyNet Telecommunications and Lumos Networks. Announcements were expected in late August/early September.  |
| 9. NTIA Public Comment  | Chair Hinton noted the Council provided public comment to the NTIA request for “Improve the Quality and Accuracy of Broadband Availability Data.” West Virginia was one of 12 states providing input. He said the intent was the push to generate more speed test data as a comparative set to FCC 477 data to more accurately reflect the level of broadband service in the state.  |
| 10. FCC Matters:<br><br>a. August 2, 2018 Order on Utility Pole Attachments to Promote Broadband, 5G Deployment: Access to Poles Must Be Swift, Predictable, and Affordable<br><br>b. Request for Comment | Chair Hinton brought attention to a recent FCC decision that reforms the federal guidelines regarding pole attachments with the adoption of a “one-touch, make-ready,” adding West Virginia is one of 30 states that follow the FCC regulations on this matter.<br><br>There was also discussion regarding the FCC seeking comment on the metrics used to evaluate the state of fixed broadband competition and whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry. Council staff stated that a Council response was not needed in this case.   |
| 11. FCC Mobility Fund Challenge Process   | Chair Hinton said no communities or organizations had sought the Council’s assistance with challenging the data put forth for the Mobility Fund II reverse auction. State GIS Coordinator Tony Simental noted Senator Manchin’s office had been working with several communities during the program’s challenge period which is to close August 27.  |
| 12. Speed Test Server Expansion   | Mr. Simental discussed several updates to the Council’s speed test initiative based on feedback from citizens and providers. Mr. Simental said to make the speed test’s 95 percent accuracy increase, speed test software will be placed on a second server which will be installed at WVNet. This will give the speed test two dedicated lines. Mr. Simental said the biggest speed test spikes in the last year have occurred in October 2017 when speed test was advertised in state newspapers; after staff had display booths during certain Legislative session days in January and when Council speed test cards were placed when in Fayette County tax receipts in July. |
| 13. Information Technology Council (ITC)  | Chair Hinton introduced a letter from Mr. Simental inviting the appointment of Broadband Council representative to the ITC.<br><br>Mr. Morris made a motion that a Council staff member represent the Council at ITC meetings. Mr. Proctor second the motion. Motion passed unanimously.   |
| 14. Committee Reports   | Mr. Hinton, without objection, deferred committee reports to the September meeting.  |
| 15. Related Broadband Events:   | Mr. Hinton announced several upcoming broadband events.<br>August 14: BridgeValley Community and Technical College with Congressman Mooney. There will be a session devoted to rural broadband discussion with Council and staff on the panel.<br>August 21: WV High Technology Foundation with USDA. The Council is a partner in this workshop.<br>August 29: WV Business Summit. Council and staff were to speak of state broadband initiatives in a forum.<br>September 6: Brownfields Conference. Council will have a presence at this event.<br>September 16: Legislative Interims. Council is expected to appear and present during the interims.                          |

| 16. Public Comments   | Senator Plymale said the newly hired director at the Marshall University Center for Business and Economic Research, Dr. Bo Seng, conducted broadband research in Ohio and may be someone the Council could meet at a future meeting. Chair Hinton concurred and suggested Dr. Seng may be added to the September meeting agenda. |  |                  |  |
|-----------------------|--|--|------------------|--|
| 17. Next Meeting Date | September 13, 10 a.m., Building 3  |  |                  |  |
| 18. Adjournment       | Meeting adjourned at 12:22 p.m.  |  |                  |  |
| Action Items          |  |  |                  |  |
| No.                   | Description  | Assigned To                              | Month Identified | Target Completion Date   |
| 1.                    | Easement acquisition and donation  | Committee                                | May              | —  |
| 2.                    | Consultation with WV DOH   | Council, WVDO, WVOT                      | May              | Ongoing  |
| 3.                    | Requirements of WV Code 31G  | All Committees                           | June             |  |
| 4.                    | Cooperative Toolkit and Training   | Workman, O'Leary, Generation WV, WVU Law | June 2017        | Near completion. May be expanded to include legal toolkit in Fall 2018, contingent upon grant funding. |

### Attendees who signed in:

|                 |                                      |
|-----------------|--------------------------------------|
| Bradley Andrews | ACLIC LLC                            |
| Stephen Shope   | US Census Bureau                     |
| Mark Polen      | WV Cable Telecom Assoc.              |
| Janet Spry      | US Census Bureau                     |
| Roxanne Wallace | US Census Bureau                     |
| B.J. Gregg      | Frontier                             |
| Jordan Ferrell  | Commerce Communications              |
| Katie Willard   | Commerce Communications              |
| Eric Price      | Thompson and Litton                  |
| Valerie Comer   | WorkForce WV                         |
| Kris Warner     | USDA                                 |
| Jason Roberts   | Region I PDC                         |
| Ben Balding     | Commerce                             |
| Max Garland     | Gazette-Mail                         |
| Hallie Mason    | Microsoft                            |
| Loarie Butcher  | LHB Strategies                       |
| Marlene Hackett | The Hackett Praxis                   |
| Erin Jones      | Altice USA                           |
| Chris Morris    | Citynet                              |
| Charlie Dennie  | Alpha Technologies                   |
| C.J. Dennis     | Alpha Technologies                   |
| Ron Pearson     | Citizen                              |
| Jay Ford        | Tilson Technologies (teleconference) |
| Nick Bournakel  | Tilson Technologies (teleconference) |
| Zahava Urecki   | Sen. Manchin Office (teleconference) |